

**Enrolled Minutes of the Eighty-Eighth Regular or Special Meeting
For the Twenty-Sixth Highland Town Council
Regular Meeting
Monday, July 25, 2011**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 25, 2011 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the possibility of modifying the Compensation and Benefits Ordinance to eliminate the requirement of Council approval for exempt salaried workers' needing approval for the payment of overtime.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, July 25, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Peggy Glennie, Select Centennial Commission member; and Dennis Adams of the Town Board of Metropolitan Police Commissioners were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 11 July 2011 were approved by general consent.

Special Orders

1. **Public Hearing.** Considering the matter of the proposed establishment of a *General Improvement District* to be associated with a project to improve the 8700-9000 block of Woodward Avenue to be known as the **Woodward Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (*Works Board Order No. 2011-23, was passed and adopted at the Town Council meeting of July 11, 2011, giving approval to the project and the General Improvement District subject to this public hearing.*)

- (a) Verification of Proofs of Publication. (IC 5-3-1;IC 36-9-17) The TIMES: 13 July 2011. The Town Attorney verified that the proofs were in compliance with IC 5-3-1.
- (b) **Public Hearing on Issue:** Whether the benefits that will accrue to the property liable to be assessed for the improvement will equal the maximum estimated cost of the improvement. The Town Council President called the hearing to order. The Public Works Director offered a Powerpoint assisted presentation regarding the scope and objects of the proposed project and General Improvement District. The following persons had comments:
 - 1. Susan Claussen, 8729 Woodward Avenue, Highland, inquired about the timetables for the project, including when it was slated to begin and be concluded.
 - 2. James Rice, 8816 Woodward Avenue, Highland, expressed his support and that he had previously conferred with the Public Works Director and that his questions were fully addressed.

There were no further comments written or spoken and the Town Council President closed the hearing.

- (c) Consideration of **Works Board Order No. 2011-26**. Councilor Herak moved and Councilor Kuiper seconded the passage and adoption of Works Board Order No. 2011-26. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

TOWN OF HIGHLAND
ORDER OF THE WORKS BOARD NO. 2011 - 26

AN ORDER CONFIRMING WORKS BOARD ORDER NO. 2011-23 ENTITLED "PRELIMINARY ORDER FOR THE WOODWARD AVENUE RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS" AND ESTABLISHING A MUNICIPAL GENERAL IMPROVEMENT DISTRICT

Whereas, Pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, Several residents of the **8700-9000 blocks of Woodward** have requested consideration of the Town of Highland to install concrete curbs and to replace substandard sidewalks; and

Whereas, On July 11, 2001, the Highland Town Council adopted Works Board Order No. 2011-23 Entitled *"Preliminary Order for the Woodward Avenue Reconstruction Project and Financing Thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from Such Improvements,"* a copy of which is attached hereto and incorporated herein;

Whereas, The Town Council has conducted a public hearing, after publication and mailing of notice as required by law, and has heard all interested persons regarding Works Board Order No. 2011-23;

Whereas, The Town Council confirms its desire to proceed with the **Woodward Avenue Reconstruction Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund; and

Whereas, The Town Council further desires to confirm Works Board Order No. 2011-23;

Whereas, The Town desires to finance the costs of the improvements pursuant to assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36.

Now Therefore, be it hereby ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the Town Council hereby finds and determined that the benefits that will accrue to the property liable to be assessed for the improvements, as defined in Works Board Order No. 2011-23, will be in excess of the

Section 2. That the Town Council hereby confirms Works Board Order No. 2011-23 in all respects;

Section 3. That the Town Council hereby orders that the improvements be completed and hereby determines to levy special assessments against the owner of property to be benefited by the improvements in a total amount not to exceed the estimate of maximum cost for the Improvements, which assessments are to be levied upon completion of the Improvements and determined in accordance with the provisions of I.C. 36-9-36.

Be it So Ordered.

Duly adopted and ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25th day of July, 2011 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

Brian J. Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

Communications:

1. The Clerk-Treasurer read aloud a letter from Andrew Hein, communicating his resignation from the Town Board of Metropolitan Police Commissioners. *(No action is necessary as pursuant to IC 5-8, chapters 3.5 and 4, the resignation is effective upon filing notice (letter) with the proper appointing authority.)*

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

1. **Municipal Plan Commission** (unexpired term of Robert Montgomery II) expires 2014

The Town Council President, as Town Executive, announced his appointment of **Greg Cieslak, (R) 2104 Birchwood Lane, Highland** to fulfill an unexpired term on the Municipal Plan Commission.

Legislative or Fiscal Body Appointments made by Town Council

1. **Town Board of Metropolitan Police Commissioners** (unexpired term of Andrew Hein) expires January 1 2013

Councilor Zemen moved and Councilor Kuiper seconded that **Mr. Larry Moes, (R) 2904 Clough Avenue, Highland**, be appointed to the Town Board of Metropolitan Police Commissioners, fulfilling the unexpired term of Andrew Hein. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Moes was appointed.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1496:** An Ordinance to Amend Sections of Chapter Fifty-One of the Highland Municipal Code, Particularly Amending Several Service Charges, Pursuant to IC 36-1-3 et seq. and other relevant Statutes.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1496. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered on the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction, of Ordinance No. 1496. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered on the same meeting of its introduction.

Ordinance No. 1496
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND SECTIONS OF CHAPTER FIFTY-ONE of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING SEVERAL SERVICE CHARGES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services ;and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, unrelated to the course of a lawful arrest or criminal processing, including but not limited to services such as immigration processing fingerprinting, elective protective fingerprinting of minor children for parents or employment processing fingerprinting, as well as limited *background checks and providing reports of accidents for use in insurance claims, and checking titles*; and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, related to the course of a lawful arrest or criminal processing, particularly related to bondable offenses, but for which added time and paperwork ensue and some convenience is provided in permitting avoidance of incarceration at the County Jail; and

Whereas, The Town Board of Metropolitan Police Commissioners has advised the legislative body that a change of the several service charges, established in part to recover costs occasioned by the municipality in the performance of these services, with such charges to be receipted and paid to the municipal treasury, would be desirable in the administration of the municipality and of benefit to the public;

Whereas, The Town Council believes that such fees either being changed or established for first time, all established in part to recover costs occasioned by the municipality in the performance of these services, would be necessary or desirable in the administration of the municipality and of benefit to the public;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by adding sections §51.65 through §51.67, which shall read as follows:

COURT ORDERED BREATH TEST SERVICE

§ 51.65 SERVICE ESTABLISHED.

There is hereby authorized and established a municipal service in the Metropolitan Police Department to be called the court ordered breath test service, designating portable breath instrument services not associated with or performed in the course of a lawful arrest or criminal processing, but rather for services limited to court ordered breath test services.

§ 51.66 COURT ORDERED BREATH TEST SERVICES BUREAU.

(A) In order to support the organization and administration of the court ordered breath test service as well as carry out the collection of service charges, there is hereby established in the Metropolitan Police Department a Court Ordered Breath Test Service Bureau to be under the supervision of its administrator, who shall be the Chief of Police;

(B) The Court Ordered Breath Test Service Bureau (hereinafter sometimes referred to as the "bureau") is:

- (1) Hereby authorized and empowered to charge and collect on behalf of the municipality, such service charges as hereinafter may be identified and authorized for the performance of court ordered breath test services to be paid by the parties desiring the service; and
- (2) Hereby authorized and empowered to provide such materials and forms as may be desirable and proper to efficiently administer the purposes and objects of this subchapter including the development of a uniform application form to be used in support of the court ordered breath test service, subject to applicable provisions of law;
- (3) Hereby instructed and directed to develop, compile and maintain records of the services offered, charges collected and such other information as may be desirable and to transmit a report of the activities of the bureau from time to time, to the Town Board of Metropolitan Police Commissioners, the Office of the Clerk-Treasurer and such other officers or persons who may from time to time request such reports.

§ 51.67 SCHEDULE OF CHARGES AND FEES.

(A) The service charges as set forth and contained in the following schedule of charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of the court ordered breath test bureau and its delivery of services, and the schedule is hereby authorized and approved:

Schedule of Charges
Court Ordered Breath Test Bureau

Except as may be otherwise provided, the users of services administered and provided by the bureau will be charged a standard service charge based upon the list herein provided.

Service Charges:

Services related to requests for parental test: \$35 per test

(B) All charges and amounts collected by the bureau pursuant to this subchapter shall be deposited with the office of the Clerk-Treasurer and credited to the general fund of the municipality upon its receipt;

(C) That the bureau shall not charge or collect any fee or amount for a service performed under this subchapter that is not authorized or not deposited with the municipality, according to its terms.

Section 2. That should a court find any provision of this ordinance to be unlawful or unenforceable, those provisions not so found shall continue to be in full force and effect;

Section 3. Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 25th day of July 2011. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 25th Day of July 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Resolution No. 2011-29: A Resolution Authorizing Temporary Interfund Loan or Transfer in the Corporation Debt Service (Non-Exempt) Fund, Pursuant to IC 36-1-8-4.

Councilor Vassar moved and Councilor Zemen seconded the passage and adoption of Resolution No. 2011-29. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2011-29**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Non-Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$78,000.00** be borrowed for the **Corporation Non-Exempt Bond and Interest Fund** with the amount of **\$78,000.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$78,000.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Non-Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2011, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 25th day July 2011.
Having been passed by a vote of 5 in favor and 0 opposed

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

3.1 The Metropolitan Police Chief requests favorable action for P. Hojnicky, who is an exempt salaried employee, and Metropolitan Police Chief, in the amount of \$814.44, for work associated with special event.

Councilor Kuiper moved to approve the request of the Metropolitan Police Chief and grant him the overtime payment as presented. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime was approved.

4. Action to approve compensatory time off for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

4.1 Request from Public Works Director to permit Mike Pipta, Facility Supervisor in Public Works, to use excess hours totaling 63 hours as compensatory time (accrued and recorded as real hours, no premium) to be taken as paid time off. This has been recorded from activity in the first two quarters of 2011.

4.2 Request from Public Works Director to permit Tim Gembala, Water/Sewer Supervisor in Public Works, to use excess hours totaling 54 hours as compensatory time (accrued and recorded as real hours, no premium) to be taken as paid time off. This has been recorded from activity in the first two quarters of 2011.

4.3 Request from Public Works Director to permit Kevin Huzzie, Streets and Sanitation Supervisor in Public Works, to use excess hours totaling 40 hours as compensatory time (accrued and recorded as real hours, no premium) to be taken as paid time off.

4.4 Request from Public Works Director to permit John Mouratides, Fleet Supervisor in Public Works, to use excess hours totaling 19.5 hours as compensatory time (accrued and recorded as real hours, no premium) to be taken as paid time off. This has been recorded from activity in the first two quarters of 2011.

Councilor Kuiper moved to approve all of the requests for exempt salaried division supervisors to have paid compensatory time as identified. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The division supervisors' requests for compensatory time off were approved as requested.

5. **Resolution No. 2011-30:** A Resolution Authorizing a Task Force to Meet and Confer with Representatives of the Highland Metropolitan Police Department in Order to Discuss Ways and Means to Allow and Increase to Current Retirees subject to the 1925 Police Pension Plan. Councilor Herak moved, seconded by Councilor Kuiper to adopt Resolution No. 2011-30. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Resolution was passed and adopted.

HIGHLAND TOWN COUNCIL
Resolution No 2011-30

A Resolution Authorizing a Task Force to Meet and Confer with Representatives of the Highland Metropolitan Police Department in Order to Discuss Ways and Means to Allow and Increase to Current Retirees subject to the 1925 Police Pension Plan.

WHEREAS, The Highland Town Council, is the fiscal and legislative body of the Town of Highland, and ;

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

compensation for the other town officers and employees; and,

WHEREAS, I.C. 36-8-6, provides that the actual pension drawn by retirees subject to the 1925 Police Pension Law, is based upon the actual current pay authorized for a first class patrol officer plus the value of 20 years longevity, and only increases as there is an increase authorized in the first class patrol officer's pay;

WHEREAS, Members of the Donald Sheppard Memorial Post of the Fraternal Order of Police presented to the Highland Town Council, at the Town Council study session, of July 13, 2011 and July 18, 2011 a proposal to use funds in the 1925 Police Pension Fund to support an increase in the current benefit to current retirees of the Fund; and

WHEREAS The Town Council wishes to further explore the proposal;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana that the sense of the Town Council of Highland is as follows:

Section 1. That the Highland Town Council, affirms the desirability of increasing the pension of the existing police retirees, whose benefit is funded under the terms of the 1925 Police Pension Plan and the 1925 Police Pension Fund, subject the laws of the State of Indiana and the general budgetary constraints;

Section 2. That the Highland Town Council, affirms a single member of the fiscal body and the fiscal officer meeting with representatives of Donald Sheppard Memorial Post of the Fraternal Order of Police, to further explore the existing proposal to increase the current pension benefit to current police retirees subject to the 1925 Police Pension Law, as described herein, to seek ways and means that may be sustainable and appropriate to such proposal, subject to the law, and budgetary constraints;

Section 3. That if ways and means appropriate and sustainable to increase the current pension benefit for current police retirees subject to the 1925 Police Pension Law, are believed to be identified, subject to law and all budgetary constraints, that this be reported to the Town Council accordingly for its information and consideration.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 25th day July 2011. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

NEW BUSINESS

Appointment to the Lake County Public Safety Commission. With leave from the Town Council, The Town Council President reported on the communication from the Lake County Commissioners regarding the creation of the Lake County Public Safety Commission, proposed by that body to effectuate the consolidation of the 17 PSAPs in Lake County into two, in compliance with State Law. It was noted that an interlocal cooperation agreement was presented and proposed for adoption. However, it was determined that it needed further review. The Town Council President announced his appointment of Pete Hojnicky, Metropolitan Police Chief, to serve as Highland's appointment to the Lake County Public Safety Commission.

Comments from the Town Council Members (For the Good of the Order)

- **Bernie Zemen:** • *Liaison to the Park and Recreation Board* • *Liaison to the Redevelopment Commission* • *Liaison to the Highland Chamber of Commerce.*

Councilor Zemen recognized the Redevelopment Director, Cecile Petro, who reported on a newly scheduled 2nd "Pop-Up Gallery", that will promote buildings for interested leasees. The Redevelopment Director also reported that the Commercial Corridor Redevelopment Area would be brought forward to the Plan Commission soon and then the Town Council.

Councilor Zemen recognized the Parks and Recreation Superintendent who reported that the administrative staff had moved from its former venue and was moving into the reconstructed

would be razed. He further reported a summer block party was to be conducted at Homestead Park, Tuesday, July 26, 2011 at 6:00 p.m.

Councilor Zemen also commended the Metropolitan Police Chief on his hand in apprehending an armed robbery suspect in a recent episode.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Waterworks Directors • Liaison to the Board of Sanitary Commissioners.*

Councilor Herak expressed a wish for a Happy Birthday to Councilor Zemen (July 28) and the Town Clerk-Treasurer (August 1).

Councilor Herak expressed some reservations he had regarding provisions associated with the Interlocal Cooperation Agreement proposed by the Lake County Commissioners to implement and establish a Lake County Public Safety Commission, organized to facilitate the consolidation of the several Public Safety Access Points (PSAPs) in the County. Councilor Herak expressed a hope that the agreement would be reviewed by the Town Council before its adoption.

- **Councilor Dan Vassar:** • *Plan Commission Member.*

Councilor Vassar acknowledged the Building Commissioner who offered a brief survey of pending matters before the Plan Commission and the Advisory Board of Zoning Appeals.

Councilor Vassar reported upon a vehicle located on 41st Street that was in a condition of disrepair and that he believed needed some enforcement action taken up. Councilor Vassar inquired about the paving plans for Highway Avenue and Fifth Street near 45th Avenue, around the Family Video Store.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who commented briefly regarding exigent calls associated with the heavy storms that the area had experienced.

- **Council President Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Chairman, Board of Police Pension Trustees • Municipal Executive.*

The Council President recognized the Metropolitan Police Chief who reported that the Traffic Safety Commission would be meeting on Wednesday, August 3rd, at 2:00 p.m.

The Town Council President commended the Police Chief as well for his hand in apprehending the armed robbery suspect.

Comments from the Public or Visitors

1. Rick Volbrecht, 9221 Parkway Drive, Highland, offered an update on his initiative to post a special post card featuring the Highland High School Tennis Doubles Team who recently won the State Championship in that sport, Abby Madrigal and Liz Quinn.
2. Ms. Lidia Lopez 9007 O'Day Drive, Highland, who spoke at a previous meeting, thanked the Town Council and the Police Department for its efforts following up on the issues she reported at the July 11, 2001 meeting regarding a vicious dog and other neighborhood concerns.
3. Patrick Krull, 9238 Cottage Grove Avenue, Highland, reported on the Highland Soccer Club's initiative to provide a soccer opportunity for Special Needs Children styled as "Soccer

Palooza", to be held at he Meadows Park, August 13, 2011. He was seeking volunteers to assist.

4. Josh Scheeringa, 2639 Clough Avenue, Highland, reported unfavorably on "scrappers" collecting scraps in the garbage near his home and inquired if the Town had an ordinance that prohibited the practice. He indicated that if it did not, he favored such an ordinance.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period July 12 , 2011 through to July 25, 2011 as well as the Payroll Docket July 1, 2011. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$376,258.15 **Motor Vehicle Highway and Street (MVH) Fund**, \$7,287.38; **Local Road and Street (LRS) Fund**, \$158,887.02; **Forfeited and Siezed Assets Fund**, \$298.88; **Law Enforcement Cont. Education and Supply Fund**, \$1,083.05; **Information and Communications Technology Fund**, \$6,526.93; **Civil Donation Fund**, \$3,555.25; **Special Events Non Reverting Fund**, \$22,661.65; **Special Centennial Commission Fund**, \$309.66; **Traffic and Law Violations Agency Fund**, \$8,624.00; **Safe Neighborhood Grant Fund**, \$1,019.00; **Sexual Predator Grant Fund**, \$8,760.18; **Gaming Revenue Sharing Fund**, \$21,955.26; **Special Public Safety Fund**, \$1,750.00; **Total: \$618,976.41**

July 1, 2011 Payroll Payable Docket:

Office of the Clerk-Treasurer, \$12,401.46; **Metropolitan Police Department**: \$95,292.06; **Building and Inspection**: \$6,731.12; **Public Works Department (Agency)**, \$55,009.50; **Fire Department**, \$2,972.55; **Total: \$172,406.69.**

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 25, 2011 was adjourned at 7:58 O'clock p.m. A study session followed the meeting.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session imediately following the regular meeting on Monday, July 25, 2011 at 8:05 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: Rhett L. Tauber, Town Attorney was also present.

General Substance of Matters Discussed.

1. The Town Attorney briefed the Town Council and the Clerk-Treasurer on the recent filing by Scotsdale Insurance, the Town's Liability Insurance Underwriter, seeking a Declaratory Judgement by a Federal Court basically, limiting the underwriter's exposure or liability in association with a pending class action lawsuit against the Town and its Sanitary District owing to flooding and damage incurred in a profound rain event from September 2006.

2. The Town Attorney briefed the Town Council and the Clerk-Treasurer regarding the status of the building on Kennedy Avenue, which housed the now closed Finke's Night Club. The Town Attorney noted that the property had gone to foreclosure sale. The Town Council and the Town Attorney discussed whether there was any interest in acquiring the property in order to raze the building as unsafe. The Town Attorney indicated that he would continue to monitor the situation and update the Council accordingly.
3. The Town Council discussed the building located on 45th Avenue, the site of the former Chela's Restaurant, and its condition of disrepair and unfavorable aesthetic. It was noted that the building was in mortgage foreclosure.

The Town Attorney departed at this time.

4. The Town Council and the Clerk-Treasurer discussed the vacancy in the Clerk-Treasurer staffing created with the resignation of one of two Utility Clerks. Councilor Herak raised the possibility of leaving the position vacant. The Clerk-Treasurer noted that the position is fully supported by utility and trash fees, without any affect or support from property taxes. The position did not have an impact on revenue plans nor any resources for worker raises. The Clerk-Treasurer also explained that the position is one of two that supports the collection of revenues and is a critical position that should be filled.
5. The Town Council discussed the possibility, advocated by Councilor Kuiper, of modifying the relevant ordinances so as to eliminate the requirement of the Town Council approving exempt salaried supervisory personnel's requests for overtime pay.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, July 25, 2011 was adjourned at 9:05 p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer